

December 2, 2010

Candidate Selection Committee  
Legislative Services Division  
P.O. Box 201706  
Helena, Montana 59620

To Whom It May Concern:

I am submitting my name for consideration for the position of Commissioner of Political Practices for the State of Montana. I have also enclosed my résumé for your review.

My experience managing state agencies, administering regulatory programs, and working with the legislature enables me to effectively and efficiently carry out the responsibilities of this office.

As you know, I served under elected officials for a number of years. I have also participated, from time to time, in partisan political campaigns. While I have been closely associated with Republican elected officials and candidates, I have worked diligently and with integrity to develop excellent working relationships with both Republicans and Democrats to establish sound public policy.

My previous associations notwithstanding, I am committed to carrying out the responsibilities of this office; should I be selected, I would conduct my work with absolute fairness, and without favoritism to any person or party. I understand the obligation of this office to avoid participation in political campaigns and fundraising and will strictly comply.

I look forward to the opportunity to more fully discuss my qualifications for, and interest in, this position.

Sincerely,

Mark Simonich

Enclosure

## **MARK A. SIMONICH**

**509 3RD STREET**

**HELENA, MONTANA 59601**

**(406) 449-0689**

**simonich@bresnan.net**

### **EDUCATION**

1974 - Graduated from Tooele High School -- Tooele, Utah

1978 - Bachelor of Science Degree in Forestry from Utah State University -- Logan, Utah

### **PERSONAL STATEMENT**

Each stage of my career has required me to build strong interpersonal relationships with people who hold a variety of philosophies and political perspectives. I am able to communicate clearly and work well with others to find solutions when presented with challenges. My experience in federal and state government has allowed me to develop a strong understanding of public policymaking, the inner workings of government, its legislative environment and regulatory framework.

### **WORK EXPERIENCE**

#### **STATE GOVERNMENT**

Served in the Cabinets of Governor Marc Racicot and Governor Judy Martz, as well as in the office of Secretary of State Brad Johnson.

01/05 – 05/07

#### **Chief Deputy Secretary of State (Chief of Staff)**

Responsible for the overall day-to-day operations of the Office of the Secretary of State. Legislative liaison for the office, responsible for all lobbying activities, obtaining bill sponsors and tracking legislation. Advise the Secretary on all policy matters. Provide staff assistance, including briefing the Secretary on all matters before the Board of Examiners and the Board of Land Commissioners. Subject matter included administrative rules, business registration, elections, records management, and trust land management

01/01 – 12/04

#### **Director, Montana Department of Commerce**

Responsible for managing the department, administering state laws and setting policy related to economic development, tourism development and promotion, community infrastructure planning and funding, low income housing and financing for community medical facilities. January through June 2001 this also included responsibility for banking regulation, state building codes and 39 professional and occupational licensing boards.

07/95 – 12/00

#### **Director, Montana Department of Environmental Quality**

Responsible for managing the department, administering state and federal environmental protection laws and setting policy related to air quality, solid waste, hazardous waste, underground storage tanks, superfund, hard rock mining, open cut mining, coal mining, coal bed methane development, sanitation in subdivisions, public water supplies, junk vehicles, abandoned mines, and water quality, as well as managing two state revolving loan programs for drinking water and wastewater. I also served as staff to Governor Racicot for the National Governor's Association the year that he was Vice Chair of the Natural Resources Committee.

01/93 – 06/95     **Director, Montana Department of Natural Resources and Conservation**  
Responsible for managing the department, administering state laws and setting policy in relation to water rights, state owned water projects, water management planning, oil and gas development, energy conservation, major facility siting, soil conservation and a number of grant and loan programs.

#### **FEDERAL GOVERNMENT**

05/89 – 12/92     **Legislative Assistant to U. S. Senator Conrad Burns (Washington, D.C.)**  
Provided staff assistance to Senator Burns on the Senate Committee on Energy and Natural Resources as well as advised the Senator on all matters related to public lands, natural resources and the environment. Negotiated and drafted wilderness and natural resource related legislation. Responsible for advising and providing staff assistance to Senator Burns on all matters related to the Interior and Related Agencies Appropriations bills. Staff liaison to the Congressional Sportsman's Caucus for Senator Burns, the Senate Chair of the caucus.

#### **PRIVATE INDUSTRY**

06/08 – Present     **Government Affairs Director, Helena Association of REALTORS®**  
Spokesperson for a local trade association on matters relating to housing and land use. Subject matter is varied and includes, but is not limited to: housing; professional licensing; sanitation; subdivisions; zoning; water rights; and, water quality. Conduct community outreach throughout Helena and Lewis & Clark County on matters of importance to REALTORS

07/75 – 05/89     Forester for various lumber companies in eastern Idaho and western Montana. Duties and responsibilities varied by employer but generally included: cruising and marking timber for harvest, surveying property lines, purchasing timber, overseeing logging operations, and representing employer on natural resource matters at the local, state and federal level, including testifying before the U. S. Congress.

#### **PROFESSIONAL AFFILIATION**

01/01 – Present     **Life Member, Montana Ambassadors**

A non-profit organization promoting Montana as a place to do business, created by Governor Ted Schwinden in 1984. Served on the Board of Directors 2001-2009; served as Secretary, 2001-2004.

## Fox, Susan

---

**From:** mark simonich [simonich@bresnan.net]  
**Sent:** Sunday, December 05, 2010 8:38 PM  
**To:** Fox, Susan  
**Subject:** Re: Commissioner of Political Practices  
**Attachments:** Simonich Supplemental Questions.pdf

Hello Susan,

Attached to this post are my answers to supplemental questions. Please let me know if you or the selection committee would like any additional information.

Mark Simonich

On Fri, 3 Dec 2010 03:56:43 +0000

"Fox, Susan" <[sfox@mt.gov](mailto:sfox@mt.gov)> wrote:

> Hi Mark,

>

> This email is to confirm receipt of your letter of interest and resume.  
> Thank you for your letter of interest for the position of Commissioner  
> of Political Practices. The selection committee would like you to respond to  
> the following questions by December 6. The selection committee will meet  
> sometime the week of December 6. I will get that information to you as  
> soon as I can. Thanks for your interest, Susan

>

>

> 1. Are you familiar with restrictions Montana law imposes upon the  
> activities of an individual holding the office of COPP?  
> 2. What is your legal writing experience?  
> 3. Have you ever been party to a complaint filed with the COPP?  
> 4. What is your current or past involvement with either the campaign  
> of a candidate or a ballot initiative?  
> 5. Have you been affiliated with a political party or political  
> action committee? If yes, how will this affiliation affect your  
> ability to render impartial decisions on complaints filed against  
> candidates, PACs, and ballot initiatives?  
> 6. What is your opinion of the current candidate contribution limits?  
> 7. Have you or a family member been involved in the legislative  
> process as a lobbyist?  
> 8. In your opinion, do further regulations or restrictions need to be  
> placed on lobbyists' activities?

>

> Susan Byorth Fox

> (406) 444-3066

> [sfox@mt.gov](mailto:sfox@mt.gov)

>

> -----Original Message-----

> From: mark simonich [mailto:[simonich@bresnan.net](mailto:simonich@bresnan.net)]

> Sent: Thursday, December 02, 2010 7:20 PM

> To: Fox, Susan

> Subject: Commissioner of Political Practices

>

> Hello Susan,

>

> I am submitting my letter and resume for consideration for the office  
> of Commissioner of Political Practices.

>

> Will you please respond to this email to confirm that you have  
> received the material I am sending.

>

> Thank you very much.

>

> Mark Simonich

>

>

>

1. I am familiar with the restrictions Montana law places upon the activities of an individual holding the office of CoPP and will comply with those restrictions strictly if appointed.

2. I have no formal legal training or education. I have read many legal documents and been in a position to approve or disapprove the documents but I have limited experience in legal writing.

As Director of DEQ, I was required to act as hearings officer for an appeal that a company had filed with the department over an enforcement action for an apparent permit violation. I was required to conduct the hearing, review the record, prepare findings of fact and conclusions of law, and render a decision. I was assisted by an attorney in the department. I conducted the hearing and worked directly with the department attorney in drafting the decision; however, I cannot take credit for what I consider the legal writing in this case. When I encounter a situation for which I do not have specific experience or training, I always try to receive guidance from people with the appropriate expertise.

3. Yes. In December 2004, a complaint was filed by a former employee alleging violations of the Code of Ethics against me and another employee of the Department of Commerce. During an informal contested case hearing in which only the complainant provided testimony, my counsel moved for summary judgment. The motion for summary judgment was granted and the complaint was dismissed. The decision in the complaint can be found on the CoPP website under the Complaints/ethics decisions tabs.

4. In 1988 I was the Republican nominee for House District 8 (Columbia Falls) in the Montana legislature. I filed all the required reports with the CoPP.

From time to time I have participated as a volunteer in the campaign of various candidates. I have contributed funds, assisted with fundraising, distributed yard signs and have allowed candidates to place signs on my property. My involvement in this regard has not been limited to only one political party.

I am not currently involved with any campaign of either a candidate or ballot initiative.

I understand the restrictions against the CoPP participating in the type of activities described above and will strictly adhere to the requirements of the office. I will also not let any previous associations affect my impartiality in responding to any matters that come to the office.

5. Yes. As I indicated in question #4, I have been a Republican candidate for office. I have also worked for, or served under, various Republican elected officials. In my current position I am involved with the REALTOR® Political Action Committee. My work involves assisting with fundraising, interviewing local candidates and assisting my organization as the members determine which candidates they will

recommend for an endorsement to the Montana RPAC Board of Trustees. During my tenure in the position, our local board has recommended endorsements for both Democrats and Republicans.

My current and past associations will not affect my ability to render impartial decisions on complaints filed against candidates, PACs, and ballot initiatives. As I have done in my previous employment with the State of Montana, I will work diligently to ensure that not only my decisions, but all the work within the CoPP, will be done with complete impartiality and integrity.

6. I have heard some candidates complain that contribution limits are too low, but do not have any particular knowledge for me to suggest that the current limits should be changed. In my opinion the level of campaign contribution limits is a policy matter best determined by the legislature. The role of the CoPP is, and should be, to ensure that contributions are reported on a timely basis as required by law.

7. Yes. I participated in the legislative process in every session from 1993 through 2007 as a lobbyist for a state agency. In my capacity as Director of three state agencies (DNRC, DEQ, and Commerce), I was not required to register as a lobbyist. At each of these agencies I was the principle that was responsible for registering all department lobbyists and for filing all required reports. At the Secretary of State's office I was registered as a lobbyist as well as being the individual responsible for registering lobbyists and filing all required reports for the office.

8. As a general rule, I believe Montana's laws on lobbying are appropriate and effective. However, given the large number and amount of civil penalties assessed against lobbyists each session for late filing of reports, it appears that it would be worthwhile to make additional efforts to educate the lobbyist principals with respect to their responsibilities.